

Policy Against Domestic Violence

I. Purpose

This policy provides guidance for management and employees regarding domestic violence in the workplace. This policy will raise awareness of domestic violence and reduce its impact on the workplace. **Any employee in immediate danger should call 911 immediately.** This policy is not nor is it intended to be an alternative for law enforcement assistance.

II. Definitions

**Credit goes to the Centers for Disease Control Prevention for many of the terms and definitions below.*

Additional information at: <http://www.cdc.gov/violenceprevention/intimatepartnerviolence/definitions.html>

- **Domestic Violence:** Domestic violence occurs when a current or former intimate partner uses physical violence, sexual violence, stalking and/or psychological aggression (including coercive acts). Domestic violence can vary in frequency and severity, and can occur in a single episode or through several episodes over a period of years.
- **Intimate Partner Violence:** Domestic Violence is sometimes referred to as intimate partner violence (IPV) because the same behavior that may occur in a marital relationship may occur between any intimate partners, including dating partners and former spouses.
- **Perpetrator:** An individual who commits domestic or intimate partner violence.
- **Psychological Aggression:** The use of verbal and non-verbal communication with the intent to harm another person mentally or emotionally, and/or to exert control over another person, including expressive aggression (e.g., name-calling, humiliation); coercive control (e.g., limiting access to transportation, money, friends, and family; excessive monitoring of whereabouts); threats of physical or sexual violence; control of reproductive or sexual health (e.g., refusal to allow partner to use birth control; coerced pregnancy termination); exploitation of victim's vulnerability (e.g., immigration status, disability); exploitation of perpetrator's vulnerability; and presenting false information to the victim with the intent of making them doubt their own memory or perception (e.g., mind games).
- **State Resource:** Any items owned by the State, including but not limited to workplace telephones, facsimile machines, mail, electronic mail, and state-issued vehicles, cell phones, pagers, or credit cards.
- **Survivor:** An individual currently or previously experiencing domestic or intimate partner violence.
- **Workplace:** An employee is considered to be part of the workplace when the employee is conducting State business, is in State-owned or leased workspace, is using the facilities or services of the State, is using State resources or equipment, is using a vehicle that is owned or leased by the State or its agencies, is attending a work-related conference, or is traveling on behalf of the State.

III. Statement of Policy

The State of South Carolina is committed to the health and safety of its employees and will not tolerate any act of domestic or intimate partner violence in the workplace. Employees are encouraged to report threats or acts of domestic violence that occur outside of work or while at work to local law enforcement authorities. Threats or acts of domestic violence that occur while on State property, while conducting State business, or during State-sponsored social events shall also be reported to the agency's or employer's Human Resources Department [*or named position*].

The agency will take action to prevent and correct any misuse of the State's resources (defined above) in connection with any act of domestic violence, including harassment or violent or threatening behavior that may result in physical or emotional injury to any State employee, while the workplace. Nothing in this policy is intended to reduce or modify the effect of existing directives and policies on the prevention of violence in the workplace.

The agency maintains or has access to a list of local resources for survivors and perpetrators of domestic violence, which are available through your Human Resources Department. Resources may also be located through the Governor's webpage on domestic violence, United Way 211, or through any domestic violence crisis center.

IV. Procedures

A. Confidentiality

The State of South Carolina recognizes and respects an employee's right to privacy. The agency will maintain the confidentiality of an employee's disclosure unless the substance of the employee's disclosure requires disclosure, such as a threat to the safety of any employee in the workplace. The employee will be given notice of necessary disclosures.

B. Assistance for Employees Who are Survivors of Domestic Violence

Survivors of domestic violence are not alone and help is available. Any employee currently experiencing domestic or interpersonal violence may reach out to a [*member of Senior Manager or the Human Resources Director*] for assistance. Assistance can help you navigate the available resources to remove yourself from the violence, including:

1. Local and State domestic violence resources;
2. Local and State sexual assault resources;
3. Advocacy and legal services;
4. Medical and counseling services;
5. Agency services;
6. Law enforcement assistance; and
7. Free Employee Assistance Program.

The agency may offer support and referrals for assistance to victims who disclose concerns or request help. Information or documents pertaining to a survivor's situation will be kept separately from the employee's personnel records and will not be considered for purposes of hiring or promotion.

Survivors are encouraged to disclose the existence of Temporary or Permanent Orders for Protection from Domestic Violence to the Human Resources Director or a member of Senior

Management, particularly where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment.

If an employee has reason to believe that a co-worker is a victim of domestic violence, the concerned employee is encouraged to contact a member of Senior Management or the Human Resources Director and share their concerns. Employees are discouraged from confronting a co-worker directly who has not reached out for assistance.

C. Assistance for Perpetrators: The agency encourages perpetrators to voluntarily seek assistance from the State's confidential Employee Assistance Program. A perpetrator may meet with the Human Resources Director to receive assistance in finding additional resources.

D. Perpetrator acting in the Workplace: A perpetrator is encouraged to seek assistance and ask for help through the Human Resources Director. However, any employee who commits domestic violence in the workplace may be subject to discipline, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the State, that off-duty conduct may lead to discipline, up to and including termination. In addition, any employee who uses any State resource at any time or place to commit domestic violence may be subject to corrective or disciplinary action, up to and including termination.

If Senior Management or the Human Resources Department learns that an alleged perpetrator and survivor are employed at the same work site, the Human Resources Director may consider modifications at work to keep the survivor separate from the perpetrator. The survivor should not be penalized involuntarily by this process.

E. Security: If any employee is in imminent danger in the workplace, that employee, a co-worker, the employee's supervisor, or any other employee in a supervisory or managerial position should immediately notify the Director of Human Resources, the Department of Administration or local law enforcement as needed.

F. Safety: Survivors of domestic violence need help ensuring a safe workplace. The Human Resources Director or Senior Management may consider assistance such as:

1. Setting an alternate work schedule;
2. Arranging an escort to and from parking areas; and
3. Sharing information with local law enforcement.

G. Reasonable and Necessary Leave: The agency will work with survivors to provide appropriate leave for an incident of domestic violence. Appropriate leave may be:

1. Sick or vacation leave;
2. Family and Medical Leave Act;
3. Unpaid leave; or
4. Leave under the Catastrophic Leave Bank.

H. Performance Problems due to Domestic Violence: If an employee has performance or conduct problems as a result of a domestic violence incident, the agency will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. However, nothing in this policy alters the authority of the agency to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate under the circumstances.

- I. Loss of Job Due to Domestic Violence:** In the event that an employee must leave the agency to preserve their own safety due to domestic violence, the agency will provide information regarding unemployment services that may assist the employee.
- J. Retaliation Forbidden:** There shall be no retaliatory action resulting from an employee making a complaint regarding being of victim of or witnessing an occurrence of domestic violence, or otherwise asserting rights or responsibilities under this policy
- K. Orders of Protection:** Any employee who is named in an Order of Protection must disclose this information to the Human Resources Director beginning the employee's next scheduled work day if:
 - 1. Listed conditions that may interfere with the employee's ability to perform job duties; or
 - 2. Listed conditions prohibit or limit contact with other employees of the agency.

Failure to provide the above information may result in disciplinary action up to and including termination.